

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

CHARLES DEXTER MITCHELL,)
)
Petitioner,)
)
v.) Nos.: 3:16-CV-132-TAV
) 3:04-CR-82-TAV-HBG-1
UNITED STATES OF AMERICA,)
)
)
Respondent.)

MEMORANDUM AND ORDER

Before the Court is Charles Mitchell's pro se motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255 [Doc. 45]. Petitioner's claim for collateral relief relies on *Johnson v. United States*, 135 S. Ct. 2551 (2015) [*Id.*; Doc. 47]. Since it does not plainly appear from the face of the motion that it should be summarily dismissed, the United States Attorney is hereby **ORDERED** to file an answer or other pleading within **thirty (30)** days from the date of this Order. *See* Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

Although a reply answer is not necessary, if Petitioner wishes to file a reply, he **SHALL** file that reply within **thirty (30)** days from the date the government files its answer with the Court. *See* Rule 5(d) of the Rules Governing Section 2255 Proceedings for the United States District Courts. The Court directs Petitioner's attention to L.R. 7.1(b), which provides that briefs "shall not exceed 25 pages in length[,]” and L.R. 7.1(b), which provides that any reply must directly reply to the points and authorities in

the government's answer and shall not be used to reargue the points and authorities included in his § 2255 motion or to present any new issues.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE